(a)

CPIOSL

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 3042 / 2003

PETITIONER : Ramanand Jaiswal, S/o late Shri Patilal Jaiswal, aged about 38 years, occupation Service, R/o Village Manhgai, PO. Manhgai, Tahsil Surajpur, Distt. Surguja (C.G.)

P. R. No. ..... Received
Presented by Shri A.N. Pandey
dated 20.09.03

VERSUS

RESPONDENTS :

1) State of Chhattisgarh through Secretary, Chhattisgarh Govt. School Education Department, D.K.S. Bhawan, Raipur (C.G.)

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2) District Education Officer, Surajpur, Distt. Surguja (C.G.).

शपथ आयुक्त
एस.के. शुक्ला
सूरजपुर तहसील जोन

3) Rajiv Gandhi Primary Education Mission, through Director/Collector District Mission, Distt. Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) **Particulars of the petitioner :**

(44)

(42)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3042 सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.10.2003

Shri Ashok Kumar Shukla, counsel for the petitioner.

Shri Ranbir Singh, Govt. Advocate for the State.

Heard.

By this petition under Article 226 of Constitution of India the petitioner seeks to challenge the transfer order dated 30.08.2003 issued by the respondent no.1 by which the petitioner has been transferred from Middle School Manhgai, Tahsil Surajpur Distt. Sarguja to District Koriya. The petitioner is working as Centre Academic Coordinator at Middle School Manhgai since 1996.

The petitioner's case is that he has been transferred against the rules and regulations issued by the State Government in an arbitrary manner ignoring the difficulties of the petitioner. The petitioner was appointed as Assistant Teacher on 10.08.1994 at Primary School, Manhgai and thereafter the petitioner was appointed as Centre Academic Coordinator on 19.09.1996 at Middle School Manhgai. The wife of the petitioner namely Smt.

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[पीछे देखिये

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(44)

XI-HC-22

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Anita Jaiswal is also posted as Shiksha Karmi Class-III at Manhgai Primary School, Tahsil Surajpur Distt. Sarguja.

Learned counsel for the petitioner submits that the petitioner has three children out of them one male child Amit Kumar Jaiswal aged about 11 years is handicapped and mentally retarded and petitioner & his wife are taking care of their child. Medical certificate is annexed as Annexure P-6. As per government circular of General Administration the workers and employees belonging to Scheduled Cates, Scheduled Tribes & Backward classes should not be subjected to frequent transfers and the petitioner has been transferred out of district against the government circular dated 23.07.1998, moreover, the medical ground of the petitioner has also not been considered.

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and having regard to the fact that against the government circular the petitioner has been transferred out of district moreover, when the husband and wife are working at one place and as per the government policy they should be kept at one place. Moreover,

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[पीछे दे

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioner's son who is mentally retarded and the petitioner has to take care of him that fact has also not been considered while transferring the petitioner, the petitioner is allowed to make representation within ten days from today to respondent no.1 raising all his grievances and difficulties and in turn respondent no.1 shall decide the representation of the petitioner within a period of thirty from the date of receipt of the representation considering all the difficulties and grievances of the petitioner and decide the representation in an objective manner and with a reasoned order. Till the disposal of the representation the petitioner should not be relieved, if he has not already been relieved.

With the above observation and direction, the writ petition stands disposed of.

Consequently, M.W.P. No.2787/2003 & I.A. No.9037/2003 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge

Rashmi

30/X/03

[पीछे देखिये